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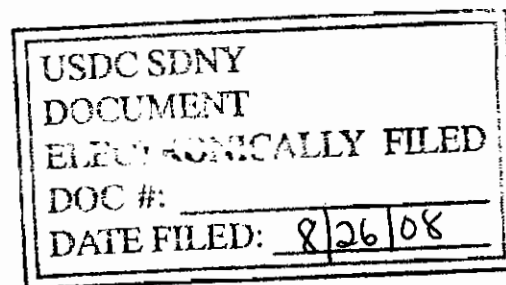
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MEMO ENDORSED

August 22, 2008

BY HAND

Honorable Denise L. Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Rufus Cisco v. The City of New York, et al.
CV 08 6853 (DLC)

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendant City of New York ("City") in the above-referenced matter. I write to respectfully request that the Court grant a sixty-day enlargement of time, from August 25, 2008 to October 25, 2008, for defendant City to answer or otherwise respond to the complaint. Plaintiff consents to this application.

I respectfully refer the Court to the civil docket sheet, which indicates that the other named defendant in this action, "P.O. Patrick Flaherty," was served with process on or about August 1, 2008. This office has not discussed with Officer Flaherty the manner of service and we make no representation herein as to the adequacy of service upon him. A decision concerning this Office's representation of Officer Flaherty has not yet been made and accordingly, this request for an extension of time is not made on his behalf. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we respectfully request that the Court may, *sua sponte*, extend the time to answer on behalf of all defendants.

In the complaint, plaintiff alleges, *inter alia*, that on or about November 12, 2006, he was falsely arrested and thereafter maliciously prosecuted by police officers.

The instant request for an enlargement of time is made for several reasons. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. To that

Granted.
Denise Cote
8/25/08

end, this office will be forwarding to plaintiff for execution, a consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to §160.50, all official records concerning the arrest of plaintiff have been sealed upon the termination of the criminal investigation. Defendant cannot obtain these records without the designation, and without the records, defendant cannot properly assess this case or respond to the complaint. In addition, this office will be requesting records pertaining to this incident from the New York City Police Department. An enlargement of time will allow defendant to obtain these necessary records.

In addition, the enlargement will allow this office time to conduct an inquiry to determine whether it could represent the other named defendant in this action, Police Officer Flaherty. See General Municipal Law §50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Officer Flaherty must then decide whether he wishes to be represented by the Corporation Counsel. See Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984). Only then can this office interview him for the purposes of responding to the complaint.

No previous request for an enlargement has been made, and there are no scheduled conferences that will be affected by this extension. Accordingly, defendant City of New York respectfully requests that the Court grant said defendant until October 25, 2008, to answer or otherwise respond to the complaint.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,



Caroline Chen
Assistant Corporation Counsel

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